



CNR: KAHC010483182017

NC: 2026:KHC:42549
MFA No. 9189 of 2017

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MRS. JUSTICE P SREE SUDHA

MISCELLANEOUS FIRST APPEAL NO. 9189 OF 2017 (MV-I)

BETWEEN:

SUDEEP S
S/O SURESH
AGED ABOUT 13 YEARS
R/AT LOHITHNAGAR,
NELAMANGALA POST, KASABA HOBLI,
NELAMANGALA TALUK, BENGALURU
SINCE MINOR REP. BY HIS
MOTHER POOJAMMA @ CHIKKAPOOJAMMA.

...APPELLANT

(BY SRI. RANGEGOWDA N.R, ADVOCATE)

AND:

1. RANGASWAMIAIAH
S/O SHIVARANAGAIHAH, MAJOR
PUTTASWAMIAIHNAPALYA
SETHYAMANGALA, TUMKUR TALUK
TUMKUR DISTRICT - 572 101.
2. THE REGIONAL MANAGER
UNITED INDIA INSURANCE CO. LTD.,
5TH FLOOR, KRUSHI BHAVAN
BENGALURU.

...RESPONDENTS

(BY SMT. HARINI SHIVANAND, ADVOCATE FOR R2;
VIDE ORDER DATED 03.07.2025, NOTICE TO R1 IS
DISPENSED WITH)

Digitally signed
by
PADMASHREE
SHEKHAR
DESAI
Location: High
Court of
Karnataka



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THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 01.07.2017 PASSED IN MVC NO.4098/2016 ON THE FILE OF THE III ADDITIONAL SENIOR CIVIL JUDGE & MEMBER, MACT. COURT OF SMALL CAUSES, BENGALURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MRS. JUSTICE P SREE SUDHA

ORAL JUDGMENT

This appeal is filed by the appellant/claimant under Section 173(1) of Motor Vehicles Act, 1988 challenging the judgment and award dated 01.07.2017 passed in MVC No.4098/2016 on the file of the III Additional Senior Civil Judge and Member, MACT, Court of Small Causes, Bengaluru, seeking enhancement of the compensation.

2. Heard the arguments of learned counsel for the both sides. The ranks of the parties are retained as per Tribunal for the sake of convenience.



3. The petitioner/injured was a minor aged 12 years, met with an accident on 13.05.2013 and his mother as a natural guardian filed petition before the Tribunal for compensation of Rs.3,50,000/-. The Tribunal has relied upon the case of Hon'ble Sureme Court in ***Master Mallikarjun Vs. Divisional Manager, The National Insurance Co. Ltd and Another***¹ and granted an amount of Rs.2,47,000/- with interest at the rate of 9% p.a., from the date of filing the petition till the date of deposit.

4. Aggrieved by the said order, this appeal is filed and mainly contended that the Tribunal granted meagre amounts under the other heads. The interest is to be granted at the rate of 12% per annum. Therefore, requested for enhancement of the compensation.

5. The petitioner/injured was a minor aged 12 years, met with an accident on 13.05.2013, therefore this Court finds that it is just and reasonable to take his

¹ ILR 2013 KAR 4891



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notional income as Rs.8,000/- per month, as per the chart prepared by the Karnataka State Legal Services Authority and the multiplier is to be taken as '18'. The petitioner has filed Ex.P.4-wound certificate, Ex.P.6-discharge summary and examined doctor as PW.2, who is an orthopedic surgeon. PW.2 stated that the petitioner sustained the following injuries:

*"1. Mid Shaft oblique Fracture both bones left leg.
He was stable he was operated*

1. CR+IF with anti-grade and Retrograde Titanium elastic nails and above knee POP applied and was discharged on 17/05/2013 and was on regular follow-up.

POP removed after 8 weeks and weight bearing mobilization started. After 1 year he got his implants removed at Victoria Hospital.

The petitioner complaints of: - slight disfigurement of leg and difficulty to walk fast, climb stairs, squat, sit cross leg."

The X-ray shows that radiological fracture is united with slight bending of the leg. The doctor has assessed the disability to the limb as 29% and to the whole body as 10%. Therefore, this Court finds that it is just and



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reasonable to take the disability as one third of 29% i.e., 10%. Accordingly, the loss of future earning capacity comes to **Rs.1,72,800/-** (8,000x12x18x10%). The petitioner was admitted in the hospital for a period of 10 days. Considering the age, nature of injuries, period of hospitalization and other relevant factors, the Tribunal has granted **Rs.50,000/-** towards pain and suffering, **Rs.25,000/-** towards loss of amenities and **Rs.42,000/-** towards medical expenses and the said amounts are confirmed. This Court also finds it reasonable to grant an amount of **Rs.30,000/-** towards transportation, extra nourishment and attendant charges. The Tribunal has stated that the parents might have taken care of the child for three months. Therefore, this Court finds that it is just and reasonable to grant an amount of **Rs.24,000/-** (8,000x3) towards loss of income to the parents during laid up period.

6. Thus in all, compensation awarded by this Court is as below:



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Sl.Nos.	Particulars	Amount in Rs.
1.	Towards pain and suffering	50,000/-
2.	Towards medical expenses	42,000/-
3.	Towards loss of amenities	25,000/-
4.	Towards transportation, extra nourishment and attendant charges	30,000/-
5.	Towards loss of income during laid up period	24,000/-
6.	Towards loss of future earning capacity	1,72,800/-
	Total	3,43,800/-

7. Hence, the appellant-claimant is entitled for a total compensation of Rs.3,43,800/- along with interest at the rate of 6% p.a.

8. In the result, the following order is passed:

ORDER

- i. The appeal is ***allowed*** in part.
- ii. The judgment and award dated 01.07.2017 passed in MVC No.4098/2016 on the file of



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the III Additional Senior Civil Judge and Member, MACT, Court of Small Causes, Bengaluru, is modified.

- iii. The claimant is entitled to a sum of **Rs.3,43,800/-** along with interest at 6% p.a., from the date of petition till the date of realization, instead of Rs.2,47,000/- granted by the Tribunal.
- iv. Respondent No.2/Insurance Company has already deposited the award amount before the Tribunal. Therefore, respondent No.2/Insurance Company is directed to deposit the enhanced compensation of **Rs.96,800/-** along with the interest at the rate of 6% within one month from the date of this order.



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v. On such deposit, mother of the petitioner/natural guardian is permitted to withdraw the entire amount along with interest accrued on the same.

Sd/-
(P SREE SUDHA)
JUDGE

AMA
List No.: 1 Sl No.: 15